

BEFORE THE STATE AUDITOR
AND COMMISSIONER OF INSURANCE
HELENA, MONTANA

IN THE MATTER OF:)	CASE NO. 2001-14
)	
THE PROPOSED DISCIPLINARY)	NOTICE OF PROPOSED AGENCY
TREATMENT OF GARY M. BRANDT,)	ACTION AND OPPORTUNITY FOR
)	HEARING (LICENSE DISCIPLINE
Respondent.)	AND ADMINISTRATIVE FINE)
)	
)	
)	

TO: Gary M. Brandt
2300 12th Ave S. Ste 124
Great Falls, MT 59405

PLEASE TAKE NOTICE

Staff of the Insurance Division of the office of the State Auditor and Commissioner of Insurance of the state of Montana (Commissioner), pursuant to the authority of the Insurance Code of Montana, Section 33-1-101, et seq., Montana Code Annotated (1999) (MCA), is proposing to the Commissioner that he take disciplinary action against the entities named above for violations of the Montana Code. The Commissioner has authority to take such action under the provisions of Sections 33-1-317, 33-17-411, 33-17-1001, and 33-17-1002, MCA.

In particular, the staff is recommending action against the insurance producer's license of Gary Brandt and that appropriate fines be imposed on Gary Brandt.

Service of process is pursuant to section 33-1-314, MCA.

1 7. On September 22, 2000, Grandy spoke with Brandt by phone
2 about the [REDACTED] matter.

3 8. On or about September 23, 2000, Insurance Investigator
4 Forsman hand delivered the information to Mr. Brandt in Great
5 Falls, MT.

6 9. On December 21, 2000, Grandy spoke with Brandt by phone.

7 10. On December 28, 2000, Grandy spoke with Brandt by
8 phone.

9 11. Even after these numerous contacts, Gary Brandt has
10 failed to provide the requested information to the Commissioner
11 of Insurance.

12 12. Gary Brandt is an insurance producer licensed by the
13 state of Montana.

14 CONCLUSIONS

15 1. Gary Brandt (Respondent) violated Section 33-1-315,
16 Mont. Code Ann., in failing to provide the insurance records to
17 the State Auditor concerning [REDACTED]

18 STATEMENT OF RIGHTS

19 You are entitled to a hearing and to respond to this notice
20 and present evidence and arguments on all issues involved in this
21 case. You may have a formal hearing before a hearing examiner
22 appointed by the Commissioner. This is provided for by the
23 Montana Administrative Procedure Act, sections 2-4-601, MCA, and
24 following, including Section 2-4-631, MCA. If you demand a
25 hearing, you will be given notice of the time, place and the

1 nature of the hearing. Pursuant to section 33-1-701(2), the
2 hearing shall be held within 30 days after receipt of the demand
3 by the commissioner, unless postponed by mutual consent.

4 You have a right to be represented by an attorney at any and
5 all stages of this proceeding.

6 If you want to resist the proposed action under the
7 jurisdiction of the Commissioner, you must so advise him within
8 fifteen (15) days of the date you receive this notice. You may
9 so advise him by writing to Kevin Phillips, Insurance Attorney,
10 State Auditor's Office, P.O. Box 4009, Helena, Montana 59604-
11 4009. While so advising Mr. Phillips, you should make clear
12 whether you demand a hearing, or whether you waive formal
13 proceedings and, if so, what informal proceedings you prefer for
14 handling this case. Pursuant to section 2-4-603(2), Mont. Code
15 Ann., you may not request to proceed informally if the action
16 could result in suspension, revocation or any other adverse
17 action against a professional license.

18 Should you request a hearing, you have the right to be
19 accompanied, represented, and advised by counsel. If the counsel
20 you choose has not been admitted to practice law in the state of
21 Montana, he or she must comply with the requirements of
22 Application of American Smelting and Refining Co., (1973), 164
23 Mont. 139, 520 P.2d 103.

24 CONTACT WITH INSURANCE COMMISSIONER'S OFFICE

25 If you have questions or wish to discuss this matter, please

1 contact Kevin Phillips, legal counsel for the State Auditor, at
2 P.O. Box 4009, Helena, MT, 59604-4009, (406)444-3496 or, within
3 Montana, (800)332-6148. If you are represented by an attorney,
4 please make any contacts with this office through your attorney.

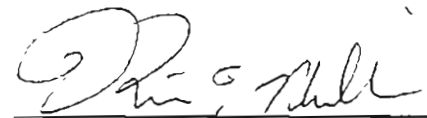
5 POSSIBILITY OF DEFAULT

6 Failure to give notice or to advise of your demand for a
7 hearing or form of informal procedure within fifteen (15) days,
8 will result in the entry of a default order imposing the
9 disciplinary sanctions against you and your license, all without
10 any more notice to you, pursuant to 6.2.101, Administrative Rules
11 of Montana and the Attorney General's Model Rule 10, 1.3.214.

12 DATED this 2nd day of March, 2001.

13
14 JOHN MORRISON
15 State Auditor and
16 Commissioner of Insurance

17 By:



18 Kevin F. Phillips
19 Insurance Attorney
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BEFORE THE STATE AUDITOR
AND COMMISSIONER OF INSURANCE
HELENA, MONTANA

IN THE MATTER OF:)	CDV 2001-521
)	
THE PROPOSED DISCIPLINARY)	CONSENT AGREEMENT
TREATMENT OF GARY M. BRANDT,)	
)	
Respondent.)	
)	
)	
)	

TO: Kenneth Olson
Attorney at Law
600 Central Plaza
Great Falls, MT 59401

I.

The Montana Insurance Commissioner (Commissioner), pursuant to the authority of the Insurance Code of Montana, Section 33-1-101, et seq., Montana Code Annotated (1999) (MCA), determines that there is probable cause to believe that the following allegations, if true, justify and support disciplinary treatment.

FINDINGS OF FACT

1. The facts are incorporated by reference from the State Auditor's July 10, 2001, "Commissioner's Findings of Fact, Conclusions of Law, and Order."

CONCLUSIONS OF LAW

1. The conclusions of law are incorporated by reference from the State Auditor's July 10, 2001, "Commissioner's Findings of Fact, Conclusions of Law and Order."

1 II.

2 Gary M. Brandt stipulates and consents to the following:

3 A. To pay a fine of \$400 by cashier's check;

4 B. To pay restitution of \$1100 to [REDACTED] by
5 cashier's check;

6 C. To a one year suspension of his insurance producer's
7 license starting July 10, 2001;

8 D. Will immediately, upon signing this consent agreement,
9 file a request for dismissal of the appeal, case number CDV 2001-
10 521, in the First Judicial Court, Lewis and Clark County along
11 with an attached copy of this signed Consent Agreement;

12 E. It is further understood that this Consent Agreement
13 constitutes the entire agreement between the parties, there being
14 no other promises or agreements, either express or implied.

15 III.

16 Pursuant to the stipulation and consent of Gary M. Brandt,
17 the Commissioner, under authority of the Insurance Code of
18 Montana and Section 2-4-603, MCA, hereby agrees that if the terms
19 and conditions of this Consent Agreement are fully met, he will
20 not enforce the "Commissioner's Findings of Fact, Conclusions of
21 Law, and Order dated July 10, 2001. In consideration for the
22 Commissioner not enforcing the July 10, 2001 Order, Gary M.
23 Brandt fully and forever releases and discharges the Office of
24 the State Auditor, the elected State Auditor and all State
25 Auditor employees from any and all actions, claims, causes of
action, demands, or expenses for damages or injuries, whether

1 asserted or unasserted, known or unknown, foreseen or unforeseen,
2 arising out of the above entitled administrative action.

3 DATED this 17th day of October, 2001.

4 RESPONDENT

5 [Signature]
6 By: _____
Its: _____

7 Subscribed and Sworn to before me this 17 day of
8 October, 2001.

9
10 (S E A L)

11 [Signature]
12 Notary Public for the
13 State of Montana
14 Residing at Great Falls, MT
15 My commission expires 10-29-03

16 JOHN MORRISON
17 State Auditor and
18 Commissioner of Insurance

19 By: [Signature] John K. Kurtz
20 for Kevin Phillips
21 Kevin Phillips
22 Staff Attorney
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